

REMARKS

In the Office Action of May 24, 2004, all of the claims were rejected under 35 U.S.C. 103(a) as being unpatentable over published application US 2003/0030211 to Brown.

Claims 10, 11, 22, and 26 are amended.

For the reasons outlined in detail below, it is respectfully submitted that the pending claims are in condition for allowance.

Applicants have carefully amended the claims to address each of the points raised by the Examiner.

Accordingly, withdrawal of the Examiner's rejections of pending claims **1-33** is respectfully requested.

An early allowance of all of pending claims **1-33** is earnestly solicited.

The Reference of Record

The **Brown** application is directed to a seal card game including a set of play tickets 10, a deal seal card 50, and an instant seal card 100. The play tickets have pull tabs 14 which are opened to reveal game symbols 16. Instant award symbols 41-46 entitle the holder to cash prizes (Figs. 2A-D). Game symbols 48 are hold tickets (Fig. 2H) which all end in a red 13. Each of the seventeen holders of a red 13 opens one of thirty-four windows on the instant seal card 100. The deal seal card 50 has three pull tabs 54a, b, and c. The game operator opens **only one** of the three pull tabs to reveal the winning red 13 ticket(s) (paragraph 0048). By selecting a window, the game organizer can choose whether to award all the prizes to one winner (tab 54a) to two winners (tab 54b) or to five winners (tab 54c).

Declaration Under 37 CFR 1.131

The Applicant submits herewith a declaration which establishes conception in this country of at least those elements said to be disclosed by Brown. Specifically, the declaration establishes conception of the elements of these claims 1-9, 19-22, 26-28, and 32-33 prior to the Brown filing date.

The Brown application was filed on August 5, 2002, and was published on February 13, 2003, less than one year before the filing date of the present application. It is thus being used as a reference under 103(a)/102(e). Brown claims the benefit of a provisional application filed on August 3, 2001. However, the provisional application makes no suggestion of provision of free

tickets with a game of chance. Accordingly, it is submitted that the Brown utility application cannot claim the priority of the provisional application, at least with respect to the provision of free tickets, which are used along with other tickets/master game card in the same game of chance.

Accordingly, it is respectfully requested that the published Brown patent application be removed as a reference.

Claims 1 to 9 all recite a plurality of free tickets. As discussed above, the declaration under 37 CFR 1.131 shows conception of the elements of these claims prior to the Brown filing date. Since the Brown provisional does not disclose the provision of free tickets and a master game card to be used in conjunction with the free tickets, is respectfully requested that Brown be removed as a reference against these claims. There being no further rejections of claims 1-9, it is submitted that these claims are now in condition for allowance.

Claim 10 now recites a system for playing a game of chance including a plurality of playing cards and a raffle board. The raffle board includes a first plurality of cover members, each of the first plurality of cover members selectively covering a first portion of a raffle game symbol and a second plurality of cover members, each of the second plurality of cover members selectively covering a second portion of a raffle game symbol. By uncovering a selected one of the first plurality of cover members and a selected one of the second plurality of cover members, first and second portions of the same winning raffle game symbol are revealed.

Brown makes no suggestion of such a system. In Brown, each of the tabs 54a, 54b, and 54c (Fig. 3A) opens to reveal at least one entire game symbol 64a-c (Fig. 3B). The tabs do not each cover a portion of **the same** winning game symbol. If two of the Brown tabs are opened (contrary to the rules of the game), different game symbols are revealed, not portions of the same symbol.

The present raffle board allows an element of chance to be introduced to a game which is not shown in the game of Brown. In the Brown game, the winner or winners are predetermined and printed on the board prior to distribution. In the present system, the winner is not predetermined but is selected, in a largely random fashion by opening one of a plurality of combinations of first and second (and preferably also third) groups of cover members. This adds to the excitement for the players. Additionally, the winner is not revealed until each of the portions of the winning game symbol are uncovered. Thus, as the players whose tickets match the first portion of the winning game symbol are

kept in suspense until one or all the remaining portions of the winning game symbol are revealed.

Accordingly, it is submitted that claim 10, and claims 11-18 dependent therefrom, distinguish over the Brown reference.

With respect to claims **19-21**, Applicants declaration under 37 CFR establishes conception of these claims prior to the filing of the Brown application. Since the Brown provisional does not disclose the distribution of free tickets and a master game card used in conjunction with the free tickets, is respectfully requested that Brown be removed as a reference against these claims. There being no further rejections of claims 19-21, it is submitted that these claims are now in condition for allowance.

Claim 22 recites a method of playing a game of chance which includes distributing a set of playing cards to a plurality of players and distributing free tickets to holders of playing cards displaying free ticket symbols. In a bonus round of play, a cover member on a master game card is opened to reveal one, but not all, of the plurality of characters in a winning game symbol. This step is repeated for each of the plurality of characters in the same winning game symbol.

Brown does not suggest such a game. In Brown, only one of three tabs 54a, 54b, 54c is opened in a game of chance. The game operator is specifically instructed to open **only one** of the tabs (he would soon lose money if he opened all the tabs). Thus Brown teaches against opening more than one tab. Further, even if more than one of the tabs were to be opened in a game of chance, the tabs would not each reveal one of a plurality of characters in the **same** winning game symbol. Nor is a winning game symbol revealed by stepwise opening of cover members.

Moreover, as discussed above, Applicants declaration under 37 CFR establishes conception of claim 22, prior to the filing date of Brown. Since the Brown provisional application fails to disclose the distribution of free tickets, it is respectfully requested that Brown be removed as a reference against claims 22-25.

Accordingly, it is submitted that claim 22, and claims 23-25 dependent therefrom, are patentable.

Claim 26 recites a method of playing a game of chance which includes distributing a set of playing cards to a plurality of players and, in a bonus round of play, stepwise, revealing only a first portion of a winning raffle game

symbol on a first area of a master game card and revealing only a second portion of the same winning raffle game symbol on a second area of the master game card.

Brown does not suggest stepwise revealing of first and second portions of a winning raffle game symbol. In Brown, the entire game symbol is revealed when a tab is opened. Moreover, only one of the three tabs 54a, b, and c is opened in a game of chance. The game operator is instructed to select one and only one of the three tabs according to whether the prize is to be distributed between 2 or 5 winners or all awarded to the same winner.

Accordingly, it is submitted that claim 26, and claims 27-33 dependent therefrom, distinguish over the Brown reference.

CONCLUSION

For the reasons set forth above, it is submitted that claims 1-26 (all claims) distinguish patentably over the references of record and meet all statutory requirements. An early allowance of all claims is requested.

In the event the Examiner considers personal contact advantageous to the disposition of this case, she is requested to telephone Jay F. Moldovanyi at (216) 861-5582.

Respectfully submitted,

**FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP**



Jay F. Moldovanyi, Reg. No. 29,678
Ann M. Skerry, Reg. No. 45,655
1100 Superior Avenue, 7th Floor
Cleveland, OH 44114-2579
(216) 861-5582

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